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CHICAGO IL 60603-3406

MAILED

APR 18 2012

OFFICE OF PETITIONS

In re Application	:
Lin Wang et al.	:
Application No. 10/687,471	: DECISION ON APPLICATION
Filed: October 15, 2003	: FOR PATENT TERM ADJUSTMENT
Attorney Docket No. 8970-95071-US	:

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b) filed March 2, 2012. Applicant requests that the determination of patent term adjustment be corrected from 1768 days to 2158 days.

The application for patent term adjustment is **GRANTED** to the extent indicated herein.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **TWO THOUSAND ONE HUNDRED FIFTY-EIGHT (2158)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On February 21, 2012, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 1765 days. The instant application for patent term adjustment was timely filed¹ on or before payment of the issue fee.

With respect to the patent term adjustment at the time of the mailing of the notice of allowance, applicants do not dispute 2175 days of Examination delay pursuant to 37 CFR 1.702(a)(1) and 37 CFR 1.702(a)(1) or 17 days of Applicant delay. However, with respect to the patent term adjustment at the time of the mailing of the notice of allowance, "Applicants believe that the Patent Office has incorrectly attributed a total of 410 days as Applicant Delays when this number should actually be only 17 days. Applicants filed the present application on October 15, 2003. On January 26, 2004, a Notice of Incomplete Nonprovisional Application was mailed by the Patent Office. On March 19, 2004, Applicants filed a Petition requesting withdrawal of the Notice of Incomplete Nonprovisional Application and according a filing date of October 15, 2003 for the Application. On May 24, 2004, the Office of Petitions issued a Decision granting

¹ PALM records indicate that the issue fee has not been paid yet.

the Petition and indicated that the Notice of Incomplete Nonprovisional Application was mailed in error such that it was withdrawn. Therefore, there was no Applicant Delay as the Notice of Incomplete Nonprovisional Application was mailed in error."

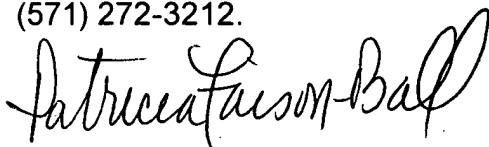
Applicant's arguments have been considered. Applicant's are correct, there is no basis for a reduction of 393 days as Applicant filed a complete reply in the form of a petition to the Notice within 3 months. A favorable decision on the petition was mailed on May 24, 2005. Thus, no action by applicant warranting entry of a period of reduction occurred on May 24, 2005.

In view thereof, it is concluded that the determination of patent term adjustment at the time of the mailing of the Notice of Allowance is 2158 days (2175 Examination delay days minus 17 Applicant delay days)

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is fluid and cursive, with the first name "Patricia" being the most prominent part.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of Revised PTA calculation



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 10687471

Search

Explanation of PTA Calculation

Explanation of PTE Calculation

PTA Calculations for Application: 10687471

Application Filing Date	10/15/2003	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	2175
A Delays	1251	PTO Manual Adjustment	393
B Delays	0	Applicant Delay (APPL)	410
C Delays	924	Total PTA (days)	2158

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
104	04/17/2012		P028	Adjustment of PTA Calculation by PTO	393	0	
99	02/21/2012		MN/=	Mail Notice of Allowance		0	
98	02/17/2012		OAR	Office Action Review		0	
97	02/17/2012		OAR	Office Action Review		0	
96	02/17/2012		IREV	Issue Revision Completed		0	
92	02/16/2012		OAR	Office Action Review		0	
91	02/16/2012		ACRE	Allowed Case Returned to the Examiner for Clerical Processing		0	
90	02/16/2012		DVER	Document Verification		0	
89	02/16/2012		N/=	Notice of Allowance Data Verification Completed		0	
88	02/16/2012		EX.A	Examiner's Amendment Communication		0	
87	02/14/2012		CNTA	Allowability Notice		0	
86	01/10/2012		FWDX	Date Forwarded to Examiner		0	
85	01/06/2012		A.QU	Response after Ex Parte Quayle Action		0	
84	01/06/2012		C602	Oath or Declaration Filed (Including Supplemental)		0	
83	01/06/2012		MCTEQ	Mail Ex Parte Quayle Action (PTOL - 326)		0	
82	01/04/2012		OAR	Office Action Review		0	
81	01/03/2012		CTEQ	Quayle action		0	
80	12/06/2011		OAR	Office Action Review		0	
79	12/06/2011		OAR	Office Action Review		0	
73	09/28/2011	03/19/2009	MAPDR	Mail BPAI Decision on Appeal - Reversed	924	47	
72	09/27/2011		APDR	BPAI Decision - Examiner Reversed		0	
71	10/06/2010		DOCK	Case Docketed to Examiner in GAU		0	
68	02/22/2010		AP_DK_M	Docketing Notice Mailed to Appellant		0	
67	02/22/2010		APAS	Assignment of Appeal Number		0	
70	02/02/2010		LET.	Miscellaneous Incoming Letter		0	
66	02/01/2010		APWD	Appeal Awaiting BPAI Docketing		0	
65	01/27/2010		MRBNE	Mail Reply Brief Noted by Examiner		0	
64	01/25/2010		RBNE	Reply Brief Noted by Examiner		0	
63	01/22/2010		APRD	Order Returning Undocketed Appeal to the Examiner		0	
62	12/14/2009		APWD	Appeal Awaiting BPAI Docketing		0	
61	12/10/2009		ARBP	Appeal ready for BPAI review		0	
59	09/14/2009		PACC	Exam. Ans. Review Complete		0	
60	08/27/2009		LET.	Miscellaneous Incoming Letter		0	
58	08/27/2009		LET.	Miscellaneous Incoming Letter		0	
57	08/24/2009		MAPEA	Mail Examiner's Answer		0	
56	08/24/2009		APEA	Examiner's Answer to Appeal Brief		0	
55	06/19/2009		APBR	Appeal Brief Review Complete		0	
54	06/19/2009		FWDX	Date Forwarded to Examiner		0	
52	05/27/2009		PA..	Change in Power of Attorney (May Include Associate POA)		0	
51	05/22/2009		C.AD	Correspondence Address Change		0	
53	05/18/2009		AP.B	Appeal Brief Filed		0	
50	04/21/2009		MAPCP	Mail Appeals conf. Proceed to BPAI		0	
49	04/20/2009		APCP	Pre-Appeals Conference Decision - Proceed to BPAI		0	
48	03/19/2009		AP.C	Request for Pre-Appeal Conference Filed		0	
47	03/19/2009	03/02/2009	N/AP	Notice of Appeal Filed		17	41
46	03/16/2009		MCTAV	Mail Advisory Action (PTOL - 303)		0	
45	03/15/2009		CTAV	Advisory Action (PTOL-303)		0	
44	03/06/2009		FWDX	Date Forwarded to Examiner		0	
43	03/05/2009		A.NE	Amendment after Final Rejection		0	
42	03/05/2009		XT/G	Request for Extension of Time - Granted		0	
41	12/02/2008		MCTFR	Mail Final Rejection (PTOL - 326)		0	
40	11/24/2008		CTFR	Final Rejection		0	
39	09/18/2008		FWDX	Date Forwarded to Examiner		0	
38	08/15/2008		A...	Response after Non-Final Action		0	
37	05/19/2008	12/15/2004	MCTNF	Mail Non-Final Rejection	1251	0.5	

36	05/12/2008	CTNF	Non-Final Rejection	0
32	04/09/2008	DOCK	Case Docketed to Examiner in GAU	0
31	02/25/2008	TI1050	Transfer Inquiry to GAU	0
30	01/23/2008	DOCK	Case Docketed to Examiner in GAU	0
29	01/22/2008	DOCK	Case Docketed to Examiner in GAU	0
28	12/06/2007	TI1050	Transfer Inquiry to GAU	0
27	08/17/2007	TI1050	Transfer Inquiry to GAU	0
26	07/24/2007	TI1050	Transfer Inquiry to GAU	0
25	07/21/2007	TI1050	Transfer Inquiry to GAU	0
24	05/18/2007	TI1050	Transfer Inquiry to GAU	0
23	08/29/2006	TSSCOMP	IFW TSS Processing by Tech Center Complete	0
18	10/26/2005	WROIPE	Application Return from OIPE	0
17	10/26/2005	COMP	Application Is Now Complete	0
16	10/26/2005	ROIPE	Application Return TO OIPE	0
15	10/26/2005	WROIPE	Application Return from OIPE	0
14	10/26/2005	COMP	Application Is Now Complete	0
13	10/26/2005	ROIPE	Application Return TO OIPE	0
12	08/12/2005	OIPE	Application Dispatched from OIPE	0
11	08/12/2005	COMP	Application Is Now Complete	0
10	05/24/2005	04/26/2004 ADDFLFEE	Additional Application Filing Fees	393 5
8	05/24/2004	MP010	Mail-Record Petition Decision of Granted Related to Filing Date	0
95	04/05/2004	IDSC	Information Disclosure Statement considered	0
93	04/05/2004	WIDS	Information Disclosure Statement (IDS) Filed	0
33	04/05/2004	IDSC	Information Disclosure Statement considered	0
22	04/05/2004	RCAP	Reference capture on IDS	0
21.7	04/05/2004	M844	Information Disclosure Statement (IDS) Filed	0
21	04/05/2004	WIDS	Information Disclosure Statement (IDS) Filed	0
20	03/19/2004	A.PE	Preliminary Amendment	0
7	03/19/2004	PET.	Petition Entered	0
5	01/26/2004	INC/	Notice of Incomplete Application - Filing Date Not Assigned	0
4	01/09/2004	L194	Cleared by OIPE CSR	0
3	01/09/2004	CLSS	CASE CLASSIFIED BY OIPE	0
2	12/02/2003	SCAN	IFW Scan & PACR Auto Security Review	0
19	10/15/2003	A.PE	Preliminary Amendment	0
9	10/15/2003	DRAWING	Drawing Preliminary Amendment	0
1	10/15/2003	IEXX	Initial Exam Team nn	0
0.5	10/15/2003	EFILE	Filing date	0

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